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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,152	11/27/2001	Richard Julius Gozdawa	2170.00024	9911

7590

07/02/2003

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EXAMINER

MOHANDESI, IRAJ A

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/995,152	GOZDAWA, RICHARD JULIUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Iraj A Mohandesi	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 35-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-19, 23-29, 31, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 12-14, 20-22, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Applicant's election with traverse of restriction requirement is acknowledged.

The traversal is on the ground(s) that Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as "Gas turbo machine /compressor "can be used for any mechanical rotating machine. Such as jet engine, the invention II " rotor for a generator "can be used in any electrical machinery such as generator, or motor ,See MPEP § 806.05(d).

This is not found persuasive because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-11,15-19,23-29,31,33,34** are rejected under 35 U.S.C. 102(e) as being anticipated by **Wall US Patent 6,410,992**.

**Wall"992** discloses a Turbo generator/motor for electricity generation comprising: a gas turbo machinery arrangement (10, Fig.1) a rotary drive take-off ( 31 turbine ,column 5,line 17) associated with the gas turbo ( column 8,line 27) machinery arrangement an electricity generating arrangement comprising a first generator stage including a first generator (12 , column 5,line 3, Fig.1) rotor (columns 5, line 6, Fig. 1) and generator stator arrangement ( 18,coumn 5,line 8,Fig.1)and, a second generator stage (column 6, line 7) including a second generator rotor and generator stator arrangement; wherein at least one of the first and second generator stage rotors is driven by the rotary drive take-off (Fig.1), the turbo machinery arrangement includes a gas driven turbine stage or stages ( column 8,line 27),the rotary drive take-off is associated with the gas driven turbine stage (see Fig.1),a rotary compressor stage including a rotary impeller stage (30 ,column, line 13,Fig.),the first and second stage generator rotors are driven by the turbo machinery arrangement (see Fig.1) a gas compressor (30) stage having a rotary impeller, the turbo machinery arrangement including a gas turbine stage, the compressor impeller and turbine rotor being mounted on a common shaft ( 16, column 5,line 6, Fig.1) the first and second rotor stages of the electricity generation arrangement being directly driven by the common shaft (Fig.1) wherein the first and second rotor stages of the electricity generation arrangement are arranged in series (see Fig.1) the first and second rotor stages of the electricity generation arrangement are mounted on a common shaft ( 12,40 are on common shaft Fig.1) the turbo machinery arrangement includes a combustion stage for combustion of a gas/fuel mixture (column 5,line 34) Apparatus according to claim 1, wherein a

respective rotor of the generator arrangement includes an airway extending generally in the direction of the rotor axis permitting cooling air or other gas to be drawn along the rotor (see Fig. )

***Allowable Subject Matter***

3. **Claims 12-14,20-22,30,32** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

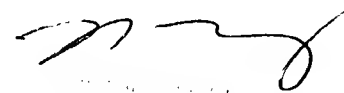
***Communication***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is (703)305-3242. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

IM June 23, 2003



IRAJ A. MOHANDESI  
Examiner  
Art Unit 2834